

**THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

SKYLINE SOFTWARE SYSTEMS, INC.,)
Plaintiff,)

v.)

KEYHOLE, INC. and GOOGLE INC.,)
Defendants.)

CIVIL ACTION NO. 04-11129-DPW

**PLAINTIFF SKYLINE SOFTWARE SYSTEMS, INC.'S
MOTION TO COMPEL DEFENDANTS' TO PRODUCE WITNESS
FOR DEPOSITION PURSUANT TO RULE 30(B)(6)**

Pursuant to Fed. R. Civ. P. 37 and L.R. 37.1, Plaintiff Skyline Software Systems, Inc. ("Skyline") hereby moves to compel Defendants Keyhole, Inc. and Google Inc. (collectively, "Google") to produce for deposition a witness designated by Google pursuant to Fed. R. Civ. P. 30(b)(6) to testify on the topic of the source code for the Google products accused of infringement in this case. As described more fully in the accompanying Memorandum of Law, Google's designated witness on this topic lacked sufficient knowledge and was unable to provide adequate testimony regarding its source code. Google's designated witness had not written any of the relevant source code, conceded that he did not review the source code or nor had he spoken to any Google software engineers about the code in preparation for his deposition, and admittedly was unfamiliar with the software routines at issue.

For these reasons, and for the reasons more fully set out in the Memorandum of Law, Skyline respectfully requests that this Court to grant its Motion and order Google to produce witness for deposition pursuant to Rule 30(b)(6) on the subject of the source code for the accused products.

REQUEST FOR HEARING

Pursuant to Local Rule 7.1(D), Skyline respectfully requests a hearing on this Motion.

Respectfully submitted,

SKYLINE SOFTWARE SYSTEMS, INC.,

By its attorneys,

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Geri L. Haight, BBO #638185
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September 22, 2006

CERTIFICATION OF COMPLIANCE WITH LOCAL RULES 7.1 AND 37.1

I, Geri L. Haight, hereby certify that in the afternoon on September 14, 2006, I conducted a telephone conference with Defendants' counsel, Sandra Riley, Esq., in an attempt to resolve the issues raised in this Motion. Prior to this meet and confer, counsel had exchanged several letters on the issues raised in this Motion. Following a fifteen minute conversation as to the discovery dispute raised in this Motion, Defendants refused to agree to provide the additional discovery requested in this Motion.

/s/ Geri L. Haight
Geri L. Haight

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants, as identified on the Notice of Electronic File ("NEF"), and paper copies will be sent to those indicated as non-registered participants on September 22, 2006.

/s/ Geri L. Haight
Geri L. Haight